IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 3055 of 2001(L)

PETITIONER:

V. RAMACHANDRAN,
SURVEYOR GRADE-I,
CALICUT DEVELOPMENT AUTHORITY,
KOZHIKODE-2.

BY ADV.SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. **STATE OF KERALA, REPESENTED BY THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **CALICUT DEVELOPMENT AUTHORITY, KOZHIKODE-2, REPRESENTED BY ITS SECRETARY.**

3. **THE CHAIRMAN, CALICUT DEVELOPMENT AUTHORITY, KOZHIKODE -2.**

4. **S. GURURAJAN, BUILDING INSPECTOR, ON DEPUTATION, KOLLAM DEVELOPMENT AUTHORITY, KOLLAM - 691 001.**

BY ADV. SRI.KPG.MENON,
SRI.M.K.ABOOBACKER,SC, CALICUT DEV.AUTY.,
GOVT. PLEADER SMT. K.R. DEEPA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 5055/2001 IN O.P. NO. 3055/2001

DISMISSED

06/06/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. 4685/A2/89/CDA, ISSUED BY THE R.2.

EXT.P.2: COPY OF THE ORDER NO. 2962/A2/78/CDA DT. 06/10/2000 ISSUED BY THE R.2.

EXT.P.3: COPY OF THE COMMUNICATION NO. 29772/G3/2000/LSGD. DT. 09/10/2000 SENT BY THE GOVT. TO THE R.2.

EXT.P.4: COPY OF THE COMMUNICATION NO. 2255/A2/84/CDA. DT. 20/10/2000 SENT BY THE R.2. TO THE GOVT.

EXT.P.5: COPY OF THE COMMUNICATION NO. 29772/G3/2000/LSGD. DT. 09/11/2000 SENT BY THE GOVERNMENT TO THE R.2.

EXT.P.6: COPY OF THE COMMUNICATION NO. 2255/A2/84/CDA. DT. 29/12/2000 SENT BY THE R.2. TO THE GOVERNMENT.

EXT.P.7: COPY OF THE SPECIAL RULES ISSUED AS PER G.O. (P). NO. 183/2000/LSGD. DT. 29TH JUNE, 2000.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P.No.3055 of 2001

Dated this the 6th day of June, 2007

JUDGMENT

The issue raised in this writ petition pertains to the application of the Special Rules dated 16-10-1962. There arose a vacancy in the post of Assistant Town Planner on 1-4-2000 under the second respondent. According to the petitioner since the 1962 Rules were governing the field at the relevant time the promotion should have been effected only based on those Rules. It is now settled law that the application of the Rules should be with reference to the date of occurrence of the vacancy and not the date on which the promotion as such is effected. Since as on the date of the occurrence of the vacancy 1962 Rules were in force, the promotion to the post of Assistant Town Planner has to be effected based on those Rules only. There will be a direction to the second respondent to take appropriate action in the matter of promotion only in the light of the declaration made as above. The needful shall be done within a period of three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.3055/2001

JUDGMENT

6th June, 2007